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Calendar No. 212

101ST CONGRESS
1st Session

SENATE

REPORT
101-112

EAST FORK OF THE JEMEZ AND PECOS RIVERS WILD AND SCENIC RIVER ADDITION ACT OF 1989

AUGUST 30, 1989.—Ordered to be printed

Filed under authority of the order of the Senate of August 2 (legislative day, January 3), 1989

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 940]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 940) to designate segments of the East Fork of the Jemez River and of the Pecos River as components of the National Wild and Scenic Rivers System, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "East Fork of the Jemez River and the Pecos River Wild and Scenic Rivers Addition Act of 1989".

SEC. 2. WILD AND SCENIC RIVER DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 1274(a)) is amended by adding the following new paragraphs:

"(109) EAST FORK OF THE JEMEZ, NEW MEXICO.—The 11-mile segment from the Santa Fe National Forest boundary to its confluence with the Rio San Antonio; to be administered by the Secretary of Agriculture in the following classifications:

"(A) the 2-mile segment from the Santa Fe National Forest boundary to the second crossing of State Highway 4, near Las Conchas Trailhead, as a recreational river;

"(B) the 4-mile segment from the second crossing of State Highway 4, near Las Conchas Trailhead, to the third crossing of State Highway 4, approximately one and one-quarter mile upstream from Jemez Falls, as a wild river; and

"(C) the 5-mile segment from the third crossing of State Highway 4, approximately one and one-quarter mile upstream from Jemez Falls, to its confluence with the Rio San Antonio, as a scenic river.

S313-27.

"(110) PECOS RIVER, NEW MEXICO.—The 20.5 mile segment from its headwaters to the townsite of Tererro; to be administered by the Secretary of Agriculture in the following classifications:

"(A) the 13.5-mile segment from its headwaters to the Pecos Wilderness boundary, as a wild river; and

"(B) the 7-mile segment from the Pecos Wilderness boundary to the townsite of Tererro, as a recreational river."

PURPOSE OF THE MEASURE

The purpose of S. 940, as ordered reported, is to designate segments of the East Fork of the Jemez and Pecos Rivers in the State of New Mexico as components of the National Wild and Scenic Rivers System.

BACKGROUND AND NEED

The East Fork of the Jemez originates in the Valles Caldera of northern New Mexico as a small meandering stream, in a vast grassland crater. It then flows south and west, eventually cutting throught the volcanic flow of Valles Rhyolite to form a rugged, sheer-walled canyon. The canyon includes cliffs, boulders, heavy forests of Engelman spruce and mixed conifers. Peregrine falcons feed in the canyon, along with the Jemez Mountain Salamander, which is unique to the area.

The East Fork runs through the heart of one of the most popular recreation areas in the Jemez Mountains. It is less than 2 hours drive from Albuquerque and Santa Fe and is a popular area for fishing, swimming, hiking, camping, rock climbing, and cross country skiing.

The East Fork of the Jemez was identified in the Nationwide Rivers Inventory as being potentially eligible for Wild and Scenic Rivers designation. Subsequently, the Santa Fe National Forest Plan recommended that it be included in the Wild and Scenic Rivers System.

Also recommended for designation as a wild and scenic river in the Santa Fe Plan was the Pecos River, renowned in folk tales of the West. It originates high in the Pecos Wilderness, above timberline at the Santa Barbara Divide in the Sangre de Cristo Mountains. From there it descends through rugged granite canyons, surrounded by mountain meadows, and high elevation valleys. The river is one of the State's most popular trout streams and is also popular for camping, hunting, swimming and hiking.

SUMMARY OF THE MEASURE

S. 940 would add 11 miles of the East Fork of the Jemez to the Wild and Scenic Rivers System, designating 2 miles as recreational, 4 miles as wild and 5 miles as scenic; 20.5 miles of the Pecos River would also be aded to the system with 13.5 miles designated wild and 7 miles as recreational. Both rivers would be managed by the Secretary of Agriculture in accordance with the provisions of the Wild and Scenic Rivers Act.

LEGISLATIVE HISTORY

S. 940 was introduced by Senators Bingaman and Domenici on May 9, 1989. The Subcommittee on Public Lands, National Parks and Forests conducted a hearing on S. 940 on June 21, 1989.

At the business meeting on August 2, 1989, the Senate Committee on Energy and Natural Resources ordered S. 940, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on August 2, 1989, by unanimous vote of a quorum present, recommends that the Senate pass S. 940 if amended, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum *	
Mr. Bradley	
Mr. Bingaman *	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin	
Mr. Rockefeller	
Mr. McClure	
Mr. Hatfield	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Garn	
Mr. McConnell*	

* Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 940, the Committee adopted an amendment in the nature of a substitute. Responding to concerns raised by the Forest Service at the Subcommittee hearing on S. 940, the amendment provides descriptions of the river segments which are more consistent with the descriptions of other river segments listed in the Wild and Scenic Rivers Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 16, 1989.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 940, the East Fork of the Jemez River and Pecos River Wild and Scenic Rivers Addition Act of 1989. The bill was ordered reported by the Senate Committee on Energy and Natural Resources on August 2, 1989.

S. 940 would add 11 miles of the Jemez River and 20.5 miles of the Pecos River in New Mexico to the wild and scenic rivers system. Based on information from the Forest Service, CBO estimates that enactment of this bill would result in additional costs to the federal government totaling approximately $250,000 over five years beginning in 1990. These costs would be incurred to carry out a variety of activities, including planning, facility development, and other management activities. Subsequent annual operation and maintenance costs are not expected to be significant.

We do not expect enactment of this bill to affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 940. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 940, as reported.

EXECUTIVE COMMUNICATIONS

On June 7, 1989, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth executive views on S. 940. These reports had not been received at the time the report on S. 940 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the appropriate agency at the Subcommittee hearing follows:

STATEMENT OF JEFF M. SIRMON, DEPUTY CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE ON S. 818 AND S. 940.

Mr. Chairman and members of the subcommittee: Thank you for the opportunity to offer the Department of Agriculture's views on S. 818 and S. 940.

S. 818 would authorize and direct the Secretary of Agriculture to conduct a study of the most appropriate method of commemorating the late Senator Clinton P. Anderson's contribution to the establishment of a national wilderness system.

S. 940 would designate segments of the East Fork of the Jemez River and the Pecos River as components of the National Wild and Scenic Rivers System.

S. 818—STUDY OF METHODS TO PAY TRIBUTE TO THE LATE SENATOR CLINTON P. ANDERSON

The late Clinton P. Anderson served as a member of the Senate from 1949 to 1973. In 1963, Senator Anderson introduced S. 4, a bill to establish a National Wilderness Preservation System. Later that same year, the Committee he chaired, the Senate Committee on Interior and Insular Affairs, conducted hearings and reported the bill, which eventually became P.L. 88-577, the Wilderness Act of 1964. This culminated an effort that Congress began in 1949—15 years earlier. Few proposals in American legislative history have had more thorough study than S. 4 and its predecessor bills.

Senator Anderson's role during enactment of the Wilderness Act was significant, and commemoration of his contribution is appropriate. However, rather than conduct a study, we prefer to work with the sponsors of S. 818 and Senator Anderson's family to agree upon an appropriate site or facility to bear Senator Anderson's name. S. 818 could be amended to reflect any agreement we reach.

One alternative would be to redesignate the Copperas Vista on the Clinton P. Anderson Highway as the "Clinton P. Anderson Vista." Copperas Vista overlooks much of the Gila Wilderness, which was the first wilderness area designated in the United States. We believe this is an appropriate site and an appropriate method for recognizing Senator Anderson's contributions to the National Wilderness Preservation System. If redesignated, we would install new signs and a permanent brass plaque that would acknowledge Senator Anderson's efforts. We would also be willing to consider other sites or facilities.

S. 940—EAST FORK OF THE JEMEZ RIVER AND THE PECOS RIVER

In regard to S. 940, the Department of Agriculture recommends its enactment.

In the arid Southwest, perennial streams are somewhat rare and are very valuable for recreation and other uses.

The East Fork of the Jemez River originates in the Valles Caldera, which essentially formed the entire Jemez Mountain complex. The river and surrounding area are popular for fishing, swimming, hiking, camping, and rock climbing. A hiking trail has been recently constructed through a portion of the river canyon. Las Conchas Campground is located along the river. Three highway crossings provide easy access for the public. The river and canyon are within the feeding zone of the endangered peregrine falcon. The Jemez Mountain Salamander, which is unique to the Jemez Mountains, is found in the river corridor.

The Pecos River originates in the Pecos Wilderness. The river corridor has outstanding scenic values, including rugged granite canyons and waterfalls interspersed with small high mountain meadows that are surrounded by forests of spruce, aspen, and other species. The Pecos is one of the State's more popular trout streams, and is also popular for hunting, sightseeing, and hiking.

Both the Jemez and the Pecos were identified as potential Wild and Scenic Rivers in the Nationwide Rivers Inventory published by the National Park Service in 1982.

Following several years of study and consultation with local agencies and the public, the Santa Fe National Forest Land and Resource Management Plan was approved September 4, 1987. This Plan recommends designation of segments of both the Jemez and the Pecos.

The Plan recommends designation of the same segment of the Pecos that S. 940 would designate. However, it recommends designation of only 9 miles of the Jemez. The 2-mile segment of the Jemez from the National Forest boundary to the second crossing of New Mexico State Highway 4 has outstandingly remarkable values, and is therefore eligible for designation. It was not recommended for designation, however, because it contains one-tenth of a mile of private land with several buildings, as well as two highway crossings. In consultation with all affected individuals and landowners, the Forest Supervisor recently reconsidered this recommendation, and, as a result, we now support designation of this segment of the Jemez. We are now amending the Forest Plan to recommend designation of the entire 11-mile segment.

While we support enactment of S. 940, we have, in an enclosed Supplemental Statement, provided the Committee with alternative language for your consideration. We believe this language would better define the river segments and clarify our administrative responsibility. Our alternative language would not alter the on-the-ground designations proposed by S. 940.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you may have.

S. 940, East Fork of the Jemez River and Pecos River

A BILL To designate segments of the East Fork of the Jemez River and the Pecos River as components of the National Wild and Scenic River System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "East Fork of the Jemez River and the Pecos River Wild and Scenic Rivers Addition Act of 1989".

SEC. 2. WILD AND SCENIC RIVER DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 1274(a)) is amended by adding the following new paragraphs:

"( ) East Fork of the Jemez, New Mexico.—The 11-mile segment from the Santa Fe National Forest boundary to its confluence with the Rio San Antonio; to be administered by the Secretary of Agriculture in the following classifications:

"(1) the 2-mile segment from the Santa Fe National Forest boundary to the second crossing of State Highway 4, near Las Conchas Trailhead, as a recreational river;

"(2) the 4-mile segment from the second crossing of State Highway 4, near Las Conchas Trailhead, to the third crossing of State Highway 4, approximately one and one-quarter mile upstream from Jemez Falls, as a wild river; and

"(3) the 5-mile segment from the third crossing of State Highway 4, approximately one and one-quarter mile upstream from Jemez Falls, to its confluence with the Rio San Antonio, as a scenic river.

"( ) Pecos River, New Mexico.—The 20.5-mile segment from its headwaters to the townsite of Tererro; to be administered by the Secretary of Agriculture in the following classifications:

"(1) the 13.5-mile segment from its headwaters to the Pecos Wilderness boundary, as a wild river; and

"(2) the 7-mile segment from the Pecos Wilderness boundary to the townsite of Tererro, as a recreational river."

Changes in Existing Law

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes the following changes in existing law made by the bill, S. 940, as reported (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law to which no change is proposed is shown in roman):

WILD AND SCENIC RIVERS ACT

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

* * * * * * *

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

* * * * * * *

(109) EAST FORK OF THE JEMEZ, NEW MEXICO.—The 11-mile segment from the Santa Fe National Forest boundary to its confluence with the Rio San Antonio; to be administered by the Secretary of Agriculture in the following classifications:

(A) the 2-mile segment from the Santa Fe National Forest boundary to the second crossing of State Highway 4, near Las Conchas Trailhead, as a recreational river;

(B) the 4-mile segment from the second crossing of State Highway 4, near Las Conchas Trailhead, to the third crossing of State Highway 4, approximately one and one-quarter mile upstream from Jemez Falls, as a wild river; and

(C) the 5-mile segment from the third crossing of State Highway 4, approximately one and one-quarter mile upstream from Jemez Falls, to its confluence with the Rio San Antonio, as a scenic river.

(110) PECOS RIVER, NEW MEXICO.—The 20.5 mile segment from its headwaters to the townsite of Tererro; to be administered by the Secretary of Agriculture in the following classifications:

(A) the 13.5-mile segment from its headwaters to the Pecos Wilderness boundary, as a wild river; and

(B) the 7-mile segment from the Pecos Wilderness boundary to the townsite of Tererro, as a recreational river.

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